

**CONDUCTING A BRANCH CAMPUS MAINTENANCE TAX ELECTION:
PROCEDURES FOR OBTAINING COORDINATING BOARD APPROVAL**

Texas Higher Education Coordinating Board
Division of Community and Technical Colleges

Under the authority of the Texas Education Code §130.087, and based on the rules and regulations of the Coordinating Board (hereinafter referred to as the Board), 19 TAC §8.91-§8.103, the procedures as outlined below will be enacted when:

- a Community College District (hereinafter referred to as the District) requests approval from the Board to hold an election to levy a branch campus maintenance tax.

PROCEDURE

1. A steering committee of at least seven (7) citizens must be appointed by the local group working to establish the tax, with the possible substitution of the ISD Board if the proposed branch campus is in an ISD, to serve in the following capacity [reference: 19 TAC §8.93]:
 - a. act as a liaison between the local area, the District, and the Board;
 - b. work with the District in developing a survey of needs and potential for the branch campus (see Item 3 below);
 - c. develop an information program describing the nature and purpose of a branch campus;
 - d. work with the District in evaluating the results of the survey and assist in the formulation of appropriate conclusions for submission to the Board;
 - e. prepare and circulate the petition to authorize the election of a branch campus maintenance tax; and
 - f. present the petition to the governing body of the jurisdiction for certification in compliance with Texas Education Code, Section §130.087.
2. The steering committee and the District files a letter of intent with the Commissioner of Higher Education. [reference: 19 TAC §8.94]
3. The steering committee and the District must conduct a survey to determine the following [reference: 19 TAC §8.95 and §8.99]:
 - a. Whether there is an established need for the branch campus;
 - b. The demographic and economic characteristics of the area;
 - c. The financial ability of the area to support the tax and the potential impact of state appropriations;
 - d. The branch campus' proposed programs and services;
 - e. The branch campus' proximity to existing community colleges;
 - f. Any limitations on services provided by existing community colleges; and
 - g. The potential impact on the branch campus on enrollments and finances of existing institutions of higher education.
4. The steering committee is responsible for circulation of the petition to authorize the election to establish a branch campus maintenance tax. At a minimum, the petition must

include the proposed maintenance tax limits that will appear on the ballot if the election is authorized, and must contain the signature, printed name, voter registration number, county of registration and residence address of the signer, along with the date of signing. **EXCEPTION:** If the proposed branch campus maintenance tax jurisdiction is a county with a population of 150,000 or less or an ISD within such county, no certified petition is required to be submitted to the Board. [reference: 19 TAC §8.96]

5. Notwithstanding the Exception in item 4 above, the petition must be signed by at least five (5) percent of the registered voters in the jurisdiction in which the proposed tax is to be levied. The steering committee must have the petition certified by the governing body of the school district or county, whichever is applicable, to determine the legality and genuineness of the petition. [reference: 19 TAC §8.97]
6. The certified petition (if applicable), the survey report, and any other pertinent documents shall be presented to the Commissioner of Higher Education at least 45 days prior to the regularly scheduled quarterly Board meeting. [reference: 19 TAC §8.98]
7. A public hearing and a site visit **may** be held by the Board's Committee on Institutional Effectiveness and Excellence to assess the public sentiment regarding the potential for a tax, to determine whether programs may create duplication with other institutions of higher education, and to assess the potential impact on the proposed taxing jurisdiction and/or other institutions of higher education. [reference: 19 TAC §8.99]
8. Preparation for the appropriate Board meeting will be made by the Board staff to include the recommendation of the Commissioner of Higher Education.
9. Board action on the request will be taken at the next regularly scheduled Board meeting. In making its decision, the Board shall consider the criteria set out in Item 3 above, as well as the needs of the District, the needs of the community or communities to be served by the branch campus, and the welfare of the state as a whole. The Board will also consider any public comments made at its meeting. The District will be formally notified of the Coordinating Board's action by the Commissioner of Higher Education. [reference: 19 TAC §8.100]

NOTE: If Board approval of a branch campus is also requested, action generally is taken at the next regularly scheduled Board meeting if the Branch Campus Maintenance Tax is successful.